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Application No. : 10/068,773  
Applicant : SHIBATA et al.  
Filed : February 5, 2002  
5 Art Unit : 1771  
Examiner : CHANG, Victor S.

Confirmation No: 7568

BRANCH

2004 APR 23 PM 4:46

Docket No. : SHO 1008-01US  
Customer No. : 28327  
10 Date: : April 21, 2004

Mail Stop: 16  
Honorable Commissioner for Patents  
P.O. Box 1450  
15 Alexandria, VA 22313-1450

REQUEST FOR REFUND

IMPROPER CHARGE OF DEPOSIT ACCOUNT

20 Dear Sir:

1. REFUND REQUEST

This is a request for a refund in the amount of \$130, with respect to the charge to  
Deposit Account No. 501809, shown on the statement dated August, 2002, for the above-  
25 identified application.

A copy of the monthly statement in which the error referred to occurs accompanies  
this request.

30 2. FEES CHARGED FOR WHICH REFUND IS REQUESTED

Applicant was twice charged for a late fee or oath surcharge in the above-referenced  
application, with a fee of \$130. More particularly, this fee was paid as part of check number  
3032 (for \$870), and was again charged to the deposit account of Applicant's attorney.

Adjustment date: 05/27/2004 EEKUBAY1  
08X05/2002 EEKUBAY1 00000002 501809- 10068773  
02 FC:105 130.00 CR

05/27/2004 EEKUBAY1 00000006 10068773

01 FC:1051 130.00 OP

2004 APR 23 PM 4:46

3. RELEVANT EVENTS

- a. On February 5, 2002, Applicant's attorney filed the above-referenced application, which received the serial number 10/068,773.
- b. On March 5, 2002, the Patent Office Mailed a Notice of Missing Parts.
- c. On April 29, 2002, Applicant's attorney mailed a response to the Notice of Missing Parts. The response included check number 3032 for \$870, and also included authorization to charge the deposit account of Applicant's attorney for any additional charges. The cover sheet to the Notice of Missing Parts response incorrectly listed the serial number as 10/086,773 (reversing the 6 and the 8). Nevertheless, a copy of the Notice of Missing Parts was included, showing the correct serial number. Check # 3032, for \$870, represented \$740 for the filing fee and \$130 for the late fee or oath surcharge. A copy of check # 3032, after clearing the bank, is attached.
- d. On May 9, 2002, the Patent Office credited the deposit account of Applicant's attorney for \$740, relating to the above-referenced application. Apparently (because of the typographic error in the serial number), the Patent Office had not accepted the \$740 filing fee portion of the check, but they had accepted the \$130 surcharge for a missing fee or oath.
- e. On August 5, 2002, apparently based on the deposit account authorization, the Patent Office charged the deposit account for the \$740 filing fee.
- f. Also on August 5, 2002, apparently based on the deposit account authorization, the Patent Office charged the deposit account for the \$130 late fee or oath surcharge. This charge was made despite the fact that the surcharge was previously paid out of check # 3032.

4. REMARKS

The Patent Office cashed check number 3032 for \$870 (which accompanied the response to the Notice of Missing Parts), but refunded only \$740 to Applicant's attorney. The remaining \$130 kept by the Patent Office represented the late fee or oath surcharge. The patent Office again charged the deposit account of Applicant's attorney for the late fee or

Appl. No. 10/068,773  
Refund Request  
Dated April 21, 2004

STATUS AND ENTRY  
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surcharge of \$130 on August 5, 2002. Therefore, Applicant's attorney respectfully requests  
the refund of the \$130 that was twice charged to Applicant.

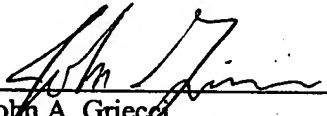
100 FN 0:46

5. MANNER OF REFUND

Applicants respectfully requests a refund of \$130 be credited to Deposit Account No.  
501809.

Thank you for your assistance, and please call me if you have any questions regarding  
this request.

Respectfully submitted,

By:   
John A. Griecci  
Registration No. 39,694

The Law Office of John A. Griecci  
703 Pier Ave., #B657  
Hermosa Beach, CA 90254  
(310) 376-6527

**United States  
Patent and  
Trademark Office**STATUS AND ENTITY  
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2004 MAR 23 PM 4:46

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Page**Deposit Account Statement**

**Requested Statement Month:** August 2002  
**Deposit Account Number:** 501809  
**Name:** LAW OFFICE OF JOHN A GRIECCI  
**Attention:** ACCOUNTING  
**Address:** 703 PIER AVENUE  
**City:** HERMOSA BEACH  
**State:** CA  
**Zip:** 90254

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/05	4	10068773		101	\$740.00	\$2,788.00
08/05	5	10068773		105	\$130.00	\$2,658.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$3,528.00	\$870.00	\$0.00	\$2,658.00

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254 APR 23 5: 4

[illegible]

JOHN A GRIECCI  
516 N ELENA AVE A  
REDONDO BEACH CA 90277-2160

# List Payment Allocations

## Selected Payment

Type: Check, BRC: 122000247, Acct. Nb.: 2012348975, Nb.: 003032

Amount: 870.00

Accounting Date: 05/09/2002

Created By: YPOLITE1

Batch No.: 2

Seq. No.: 11443701

Status: A

Type

Amount A

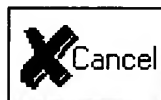
Sale Nb: 87 , Nm./Number: 10086773  
Replenishment for Deposit Account Nb.: 501809

130.00 Y

740.00 Y

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Adjustment date: 05/27/2004 \EEKUBAY1  
05/09/2002 YPOLITE1 00000087 10086773  
01 FC:105 -130.00 0P